

## ASSIGNMENT 9

Textbook Assignment: "Delivery of Personnel," chapter 10, pages 10-1 through 10-11; "Legal Assistance," chapter 11, pages 11-1 through 11-10.

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| <p>9-1. A CO must weigh what factors when considering whether to deliver a member to state civil authorities?</p> <ol style="list-style-type: none"><li>1. The interest of justice and the rights of the individual</li><li>2. The privacy of the individual and the needs of the state</li><li>3. The jurisdiction of the authorities involved and the legality of the request</li><li>4. The federal interest in preserving sovereign immunity and the right of the state to exercise its jurisdiction</li></ol> <p>9-2. For what reason may civil authorities of a state request the delivery of a member?</p> <ol style="list-style-type: none"><li>1. The member allegedly committed an offense punishable under federal law</li><li>2. The member allegedly committed an offense punishable under state law</li><li>3. The member committed an offense that is punishable by state and military law</li><li>4. Each of the above</li></ol> <p>9-3. Normally, what official may authorize delivery of a member who is stationed in the jurisdictional area of a requesting state?</p> <ol style="list-style-type: none"><li>1. The CO of the NLSO nearest the member's command</li><li>2. The command legal officer of the member's command</li><li>3. The member's commanding officer</li><li>4. The command discipline officer of the member's command</li></ol> | <p>9-4. To what activity or official should executed copies of waivers of extradition be mailed?</p> <ol style="list-style-type: none"><li>1. OEGCMJ</li><li>2. The CO of the NLSO nearest the accused's Command</li><li>3. CHNAVPERS</li><li>4. JAG</li></ol> <p>9-5. When a waiver of extradition is refused, what official or activity acts as liaison between the requesting state and the state in which a member is located?</p> <ol style="list-style-type: none"><li>1. Member's CO</li><li>2. OEGCMJ</li><li>3. The NLSO nearest the member's command</li><li>4. JAG</li></ol> <p>9-6. When waiver of extradition has been refused, what activity or official must grant permission to transfer a member to another state?</p> <ol style="list-style-type: none"><li>1. SECNAV (JAG)</li><li>2. CHNAVPERS</li><li>3. CO of the NLSO nearest the accused's command</li><li>4. OEGCMJ</li></ol> <p>9-7. A state issues a fugitive warrant for a member who is located in another state. What legal entity would normally request delivery of that person?</p> <ol style="list-style-type: none"><li>1. The state that issued the fugitive warrant</li><li>2. The state in which the member is located</li><li>3. CHNAVPERS</li><li>4. JAG</li></ol> |
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- 9-8. The State of Florida issues a fugitive warrant for a member located in Alabama. The State of Alabama subsequently requests delivery of the member. If the member refuses to waive extradition, to whom or where may he or she contest extradition?
1. JAG
  2. OEGCMJ
  3. Courts of the state that issued the fugitive warrant
  4. Courts of the state requesting delivery
- 9-9. A request for delivery of a member stationed outside the United States has been received by the member's command. Before delivery can be effected, what activity or official must examine the request for delivery?
1. SECNAV (JAG)
  2. CHNAVPERS
  3. JAG
  4. The nearest Navy or Marine Corps judge advocate
- 9-10. When a written waiver of extradition is prepared, which of the following items of information must be included?
1. Age of the accused
  2. Marital status of the accused
  3. Name of the accused's counsel
  4. Each of the above
- 9-11. What person(s) must sign a formal waiver of extradition?
1. The accused only
  2. The accused and a witness only
  3. The accused, a witness, and the accused's counsel only
  4. The accused, a witness, the accused's counsel, and the accused's CO
- 9-12. A request for delivery to a federal district court of a member who is stationed outside the United States is made to what official?
1. The member's CO
  2. CHNAVPERS
  3. JAG
  4. SECNAV (JAG)
- 9-13. When a member is delivered to a state under a delivery agreement, what activity or official has the responsibility for returning the member to military control?
1. The requesting state
  2. CHNAVPERS
  3. JAG
  4. The NLSO nearest where the trial is being held
- 9-14. What official has the authority to approve the use of a delivery agreement that is different from the standard format prescribed in the *JAG Manual*?
1. The CO of the NLSO nearest the member's command
  2. The Chief of Naval Personnel
  3. JAG
  4. Any Navy or Marine Corps judge advocate
- 9-15. Forms for the delivery under the Interstate Agreement on Detainers Act may be found in what publication?
1. Article 14, UCMJ
  2. JAGMAN
  3. Title 18, *U.S. Code*
  4. MCM
- 9-16. The return transportation expenses for a member delivered to federal authorities are paid by whom?
1. OEGCMJ
  2. Member's activity
  3. CHNAVPERS
  4. Department of Justice

- 9-17. In what case may COs allow the delivery of military members to foreign authorities?
1. Only upon commission of a capital offense
  2. Only when a status of forces agreement exists with the government concerned
  3. Only when the member consents
  4. Only when the government concerned signs a delivery agreement
- 9-18. Which of the following items of information must be included when a delivery agreement is prepared?
1. The alleged charge against the person
  2. The place the person is to be delivered
  3. A statement that there will be no expenses incurred by the Navy in delivering the person
  4. Each of the above
- 9-19. When a member who has been delivered to civil authorities has been released on bail awaiting trial, which of the following actions should a commanding officer take?
1. Determine how much restriction is required to keep the member available for trial
  2. Determine what date the trial is to be held
  3. Determine what disciplinary action should be taken against the member
  4. Determine how much lost time should be charged against the member
- 9-20. When a state requests that a military prisoner be delivered for trial before a state court, what official should act as liaison between the state and military authorities?
1. The Director, Bureau of Prisons
  2. SECNAV (JAG)
  3. CHNAVPERS
  4. The responsible Navy or Marine Corps staff judge advocate
- 9-21. What item should be attached as an enclosure to the report of refusal of delivery of a member to civil authorities?
1. Statement by the member's CO as to why delivery was refused
  2. Statement by the member as to why delivery should be refused
  3. A copy of the warrant of arrest
  4. A copy of the judge advocate's advice and review of the warrant
- 9-22. Which of the following information must be included in the text of a report of refusal of delivery?
1. Title of the person to whom delivery was refused
  2. The reason for refusal
  3. Description of military crime(s) charged
  4. Each of the above
- 9-23. A copy of the refusal to deliver report should be sent to the area coordinator and what other official?
1. SECNAV (JAG)
  2. State official requesting delivery
  3. CHNAVPERS
  4. CO of nearest NLSO
- 9-24. What official has the authority to deny a request from a state for delivery of a military prisoner for trial by a state court?
1. Director, Bureau of Prisons
  2. SECNAV (JAG)
  3. CHNAVPERS
  4. The cognizant Navy or Marine Corps judge advocate

- 9-25. When the member is to be tried by military court-martial, what official is responsible for preparing a written request for delivery of a member who is serving a sentence from a state court conviction?
1. The member's former CO
  2. The CO of the cognizant NLSO
  3. CHNAVPERS
  4. SECNAV (JAG)
- 9-26. Which of the following objectives best describes the purpose of the legal assistance program?
1. To provide major commands with assistance in the area of administrative law
  2. To provide additional assistance to individuals being processed for administrative discharges
  3. To provide prompt assistance to resolve personal legal difficulties
  4. To provide a referral service to personnel seeking legal assistance
- 9-27. Which of the following phrases best encompasses the Navy's policy concerning legal assistance?
1. To make eligible persons aware of their legal rights and obligations
  2. To ensure the Navy is properly represented in civil matters
  3. To ensure eligible members are aware of legal reference services in civil matters
  4. To ensure eligible members are aware of legal referral services within each command's geographical area
- 9-28. Which of the following persons may serve as a legal assistance officer in the Navy?
1. Marine Corps judge advocate on active duty
  2. Civilian lawyer under the cognizance of the Judge Advocate General
  3. Navy judge advocate not on active duty who has been designated by the Judge Advocate General
  4. Each of the above
- 9-29. Which of the following personnel would normally be eligible for the legal assistance program within the United States?
1. Dependents of active duty military personnel
  2. Civilians in the employ of the U.S. Navy
  3. Dependents of civilian employees of the Navy
  4. Each of the above
- 9-30. Which of the following personnel would normally be eligible for the legal assistance program at overseas locations?
1. Dependents of local hire civilian personnel
  2. U.S. citizens residing in that overseas location
  3. Dependents of Department of the Navy civilian employees
  4. A member of the Naval Reserve on active duty for 14 days
- 9-31. Which of the following criteria should be applied to how legal assistance client's files should be treated?
1. The same as general correspondence
  2. As confidential and privileged information
  3. As separate files but subject to public scrutiny
  4. As separate files but available to anyone within the Department of the Navy

- 9-32. Which of the following persons may authorize disclosure of information contained in a legal assistance case file?
1. The commanding officer
  2. The command legal officer
  3. The Judge Advocate General
  4. The client
- 9-33. A member's CO requests information on whether a member of his or her command reported to a legal assistance office. What is the only type of information that may be divulged without the client's consent?
1. A summary of the advice given
  2. The nature of the assistance being given
  3. That the member reported to the office
  4. The substance of the conversations
- 9-34. Effective liaison should be established with which of the following agencies to increase the effectiveness of the legal services available at a legal assistance office?
1. Local bar associations
  2. Local courts
  3. Local business organizations
  4. Each of the above
- 9-35. Which of the following items should be available to help the receptionist in a legal assistance office when a potential legal assistance client telephones for an appointment?
1. A copy of the *Legal Assistance Handbook*
  2. A copy of the *Lawyer's Desk Handbook*
  3. A telephone receptionist's checklist
  4. *Martindale-Hubbel's Law Directory*
- 9-36. What should be the first item of information a receptionist should obtain from a potential legal assistance client when that person is requesting an appointment?
1. Who referred the person to the legal assistance office
  2. The general nature of the assistance being sought
  3. The command the client is attached to
  4. The client's address and telephone number
- 9-37. The legal assistance attorney's duties and responsibilities are governed by what publication or instruction?
1. MILPERSMAN
  2. JAGMAN
  3. JAGINST 5801.2
  4. SECNAVINST 1752.3
- 9-38. In addition to advice and counseling, which of the following types of assistance may be provided in a legal assistance office?
1. Handling negotiations for a client in minor legal matters
  2. Drafting of complex estate planning
  3. Preparing tax returns
  4. Preparing an Article 138, UCMJ, petition
- 9-39. For which of the following areas should legal assistance NOT normally be provided?
1. Matters concerning nonsupport of dependents
  2. Matters that are in conflict with the interest of the United States
  3. Matters concerning small claims
  4. Matters involving custody of minors

- 9-40. Which of the following statements best describes the general policy for giving legal advice over the telephone?
1. Advice is not provided
  2. Only advice concerning military matters should be given
  3. Only advice concerning quasi-legal matters should be given
  4. Only advice concerning familiar subject matter areas should be given
- 9-41. If a legal assistance officer refers a client to a private civilian attorney, what person is responsible for payment of the client's legal fees?
1. CO, NLSO
  2. Client's CO
  3. Client
  4. Commander, Naval Legal Service Command
- 9-42. The expanded legal assistance program provides for which of the following services?
1. Representation by legal assistance attorneys in local courts
  2. Representation by civilian attorneys in local courts
  3. Legal assistance to nonmilitary personnel under contract with the U.S. Government
  4. Legal assistance for retired members of the armed forces and their dependents
- 9-43. Which of the following persons would normally be eligible to be represented by a military attorney under the expanded legal assistance program?
1. YN2 Craft, USNR, on active duty
  2. AE3 Line, USN, who is married
  3. PN3 Hull, USN (Retired), who is married
  4. QM3 Deck, USNR
- 9-44. What person is ultimately responsible for the content and maintenance of legal assistance case files?
1. CO, NLSO
  2. XO, NLSO
  3. Legal assistance receptionist
  4. Each legal assistance attorney
- 9-45. Legal assistance case files should be established for what type of matters?
1. Those resolved in one visit only
  2. Those requiring follow-up visits only
  3. Where advice was given over the phone only
  4. Each case seen by a legal assistance attorney
- 9-46. Which of the following forms should be completed as a means of keeping a record of each visit by a legal assistance client?
1. Legal affairs questionnaire
  2. Receptionist's checklist
  3. Legal Assistance Case Record
  4. Legal assistance referral record
- 9-47. A copy of each outgoing piece of correspondence from a legal assistance office should be filed in which of the following files?
1. Reading file
  2. Reference material file
  3. Forms file
  4. Reports file
- 9-48. The destruction of all 2-year-old closed case files should be conducted during what specific month?
1. January
  2. April
  3. October
  4. December

9-49. Normally, at what time interval should the Legal Assistance Report be submitted?

1. Quarterly
2. Semiannually
3. Annually for cases each calendar year
4. Annually for cases each fiscal year

9-50. When the Legal Assistance Report is prepared, which of the following sources of information should normally be used as the primary one?

1. Telephone receptionist's log
2. Legal affairs questionnaire
3. Legal assistance appointment log
4. Legal Assistance Case Record

COURSE COMPLETION/DISENROLLMENT FORM  
(Refer to instructions in front of course)

PLEASE PRINT CLEARLY

LEGALMAN 3 & 2	72609
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NONRESIDENT TRAINING COURSE (NRTC)

NAVEDTRA NUMBER

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NAME, RANK, RATE, CIVILIAN

SSN

IF YOUR COURSE WAS ADMINISTERED BY NETPMSA, YOU MUST SUBMIT THIS FORM TO THE ADDRESS BELOW. IF YOUR COURSE WAS ADMINISTERED BY AN ACTIVE DUTY COMMAND OR NAVAL RESERVE CENTER, DO NOT SUBMIT THIS FORM TO NETPMSA.

☐ COURSE COMPLETION (Date \_\_\_\_\_)

YOU SHOULD RETAIN THE TRAINING MANUAL AND THE ASSIGNMENT BOOKLET IF THEY ARE NOT CLASSIFIED. If CLASSIFIED, submit the material to your command for proper disposition of CLASSIFIED material. A letter of satisfactory completion will be issued to you after your last assignment is received and processed. This form should be included when you send in the last assignment. If the training manual and NRTC courses are designated with distribution statements B, C, D, E, F, or X, and you decide to dispose of the material, you must destroy the material to prevent disclosure of contents or reconstruction of the document.

☐ DISENROLLMENT (Date \_\_\_\_\_)  
(Did not complete the course)

In the event of disenrollment, submit this form to the address below with any unused ADP answer sheets. You need not return any other course material. If the course material is CLASSIFIED, you must submit the material to your command for proper disposition of CLASSIFIED material. If the training manual and NRTC courses are designated with distribution statements B, C, D, E, F, or X, and you decide to dispose of the material, you must destroy the material to prevent disclosure of contents or reconstruction of the document.

☐ OTHER REASON (Specify) :

PRIVACY ACT STATEMENT

Under authority of Title 5, USC 301, information regarding your military status is requested to assist in processing your comments and prepare a reply. This information will not be divulged, without written authorization, to anyone other than those within OOD for official use in determining performance.

COMMANDING OFFICER NETPMSA CODE 074 6490 SAUFLEY FIELD RD PENSACOLA FL 32559-5000
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# STUDENT COMMENT SHEET

THIS FORM MAY BE USED TO SUGGEST IMPROVEMENTS, REPORT COURSE ERRORS, OR TO REQUEST HELP IF YOU HAVE DIFFICULTY COMPLETING THE COURSE.

FROM: \_\_\_\_\_ Date \_\_\_\_\_  
SSN \_\_\_\_\_  
NAME (Last, first, M.I.)  
RANK, RATE, CIVILIAN  
\_\_\_\_\_  
STREET ADDRESS, APT #  
\_\_\_\_\_  
CITY, STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
To: COMMANDING OFFICER  
NETPMSA CODE 0313  
6490 SAUFLEY FIELD RD  
PENSACOLA FL 32509-5237

Subj: LEGALMAN 3 & 2, NAVEDTRA 72609

1. The following comments are hereby submitted:

## PRIVACY ACT STATEMENT

Under authority of Title 5, USC 301, information regarding your military status is requested to assist in processing your comments and prepare a reply. This information will not be divulged, without written authorization, to anyone other than those within DOD for official use in determining performance.

.....(Fold along dotted line and staple or tape).....

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**DEPARTMENT OF THE NAVY**

\_\_\_\_\_  
COMMANDING OFFICER  
NETPMSA CODE 0313  
6490 SAUFLEY FIELD RD  
PENSACOLA FL 32509-5237

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OFFICIAL BUSINESS

COMMANDING OFFICER  
NETPMSA CODE 0313  
6490 SAUFLEY FIELD RD  
PENSACOLA FL 32509-5237

PRINT OR TYPE

TITLE \_\_\_\_\_ NAVEDTRA \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
Last First Middle Street/Ship/Unit/Division, etc.

RANK/RATE \_\_\_\_\_ SOC. SEC. NO. \_\_\_\_\_ City or FPO State Zip  
DESIGNATOR ASSIGNMENT NO. \_\_\_\_\_

☐ USN ☐ USNR ☐ ACTIVE ☐ INACTIVE OTHER (Specify) \_\_\_\_\_ DATE MAILED \_\_\_\_\_

SCORE

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